

## TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

NOTICE IS HEREBY GIVEN that the **Board of Vocational Nursing and Psychiatric Technicians** (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Department of Consumer Affairs, Hearing Room, Room 100, 400 R Street, Sacramento, CA 95814 at 9:00 A.M. on Tuesday, May 3, 2005.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M. on Monday, May 2, 2005, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 125.9, 148, 2854, and 4504 of the Business and Professions (B&P) Code, and to implement, interpret or make specific sections 101.6, 108, 2859, 2875, 2876, 2878, 2878.1, 2878.5, 4502, 4503, 4517, 4520, 4521, and 4521.2 of said Code, the Board is considering changes to Division 25 of Title 16 of the California Code of Regulations (CCR) as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to B&P Code section 2854 (Vocational Nursing); and B&P Code section 4504 (Psychiatric Technicians), the Board may adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry out the provisions of these chapters.

#### **1. Vocational Nursing Regulations**

Mandatory Reporting – Adopt Sections 2520.4 and 2520.5; Amend Sections 2518.6, 2523, 2523.2, 2523.4, 2523.5, and 2523.6; and Repeal Section 2523.1.

New legislation set forth in Chapter 640, Statutes of 2003 (SB 358, Figueroa), establishes mandatory reporting requirements for licensed vocational nurses (LVNs) and their employers effective January 1, 2004. This proposal will implement and make specific those requirements.

Additionally, pursuant to new statutory requirements set forth in Senate Bill 362 (Figueroa, Chapter 788, Statutes of 2003), the proposed regulatory language increases the amount of civil penalty that may be assessed for licensed vocational nurses under specified circumstances.

## 2. **Psychiatric Technician Regulations**

Mandatory Reporting – Adopt Sections 2577.5 and 2577.6; Amend Sections 2576.6, 2579.2, 2579.4, 2579.6, 2579.7, and 2579.8; and Repeal Section 2579.3.

New legislation set forth in Chapter 640, Statutes of 2003 (SB 358, Figueroa), establishes mandatory reporting requirements for licensed psychiatric technicians (PTs) and their employers effective January 1, 2004. This proposal will implement and make specific those requirements.

Additionally, pursuant to new statutory requirements set forth in Senate Bill 362 (Figueroa, Chapter 788, Statutes of 2003), the proposed regulatory language increases the amount of civil penalty that may be assessed for psychiatric technicians under specified circumstances.

### **FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

It is anticipated that there will be additional expenditures of approximately \$726,000 in the 2006/07 State Fiscal Year (\$613,000 Vocational Nursing Program; \$113,000 Psychiatric Technician Program) and \$1,244,000 in the 2007/08 State Fiscal Year (\$1,095,000 Vocational Nursing Program; \$149,000 Psychiatric Technician Program).

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed amendments do not alter staffing or equipment needs in any small business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective and less burdensome to affected private persons than the proposal described in this Notice.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Angela Hole, Administrative Assistant  
Address: 2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833  
Telephone No.: (916) 263-7848  
Fax No.: (916) 263-7859  
E-Mail Address: Angela\_Hole@dca.ca.gov

The backup contact person is:

Name: Cheryl Anderson, Nursing Education Consultant  
Address: 2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833  
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Website Access – Materials regarding this proposal can be found at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov).